



Norwood City Council
Council Chambers | Norwood City Hall
4645 Montgomery Road | Norwood, Ohio 45212
April 12, 2022 | 7:30pm

A) CALL TO ORDER

The Council for the City of Norwood met in regular session on the above date with Mr. Ken Miracle presiding. The meeting opened with a 60-second moment of reflection and the Pledge of Allegiance.

B) INVOCATION

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

On roll call, the following members answered present: Mrs. Franzen, Mrs. Hoover, Ms. Royse, Mr. Kelsch, Mrs. Winterbauer, Mr. Thompson, and Mr. Breadon.

E) AMENDMENT OF AGENDA

On a motion by Mr. Thompson, seconded by Mr. Kelsch, it was moved to amend the agenda as follows: add a Finance Committee report.

All members present voted, "Yes." The motion passed.

F) MINUTES OF PREVIOUS MEETING

1) March 22, 2022

On a motion by Mrs. Hoover, seconded by Mr. Thompson, it was moved to approve the minutes of the March 22, 2022 meeting, as if read.

All members present voted, "Yes." The motion passed.

G) PUBLIC HEARINGS

1) *The Norwood City Council will hold a hearing to consider the City of Norwood's claim against Elena Hammock and My Prosperity LLC:*

- i. To determine if there is evidence that there is "litter" on the land at 1911 Crown Avenue, as defined in ORC 731.51B; and*
- ii. Whether the Council authorizes immediate written notice to Elena Hammock and her company My Prosperity LLC, of Council's finding that there is litter on her land, and that she must collect and remove all that litter within 15 days after the written notice.*

Mr. Miracle declared the Public Hearing open.

Tim Garry, Assistant Law Director for the City of Norwood, presented for the City. Mr. Garry presented the following exhibits:

- Exhibit 1 – The deed for 1911 Crown Avenue, dated January 10, 2013, is in Elena Hammock's name.
- Exhibit 2 – A quick claim deed transferring the property from Elena Hammock to My Prosperity, LLC, dated April 22, 2019.
- Exhibit 3 – Articles of Organization with the Ohio Secretary of State, listing Elena Hammock as the statutory agent of My Prosperity LLC, dated April 8, 2008.

Mr. Garry presented the sworn testimony of Norwood City Board of Health Inspector Jim Shelby and of Sean Kenan; Sean Kenan resides at 1907 Crown Avenue. Elena Hammock also testified. Bishop Sonny James also spoke on the matter. It was recognized that a court reporter was present in Council Chambers for the purpose of this public hearing.

Exhibit 4 reflects a communication that was sent to members of Council, including photographs of the property; photographs were presented to members of Council on March 31, 2022, reflecting the appearance of the property as of March 30, 2022. Exhibit 5 contains photographs (labeled A-U) representing the condition of the property as of April 12, 2022; these images were circulated among Council members to review during the meeting.

Around 4 years ago an accumulating garbage charge against Ms. Hammock in the Housing Court; arrangements were made at that time with Ms. Hammock to get a dumpster to clean up the property. The property was cleaned up close enough to the code that the charges were dismissed. The property continued to deteriorate, and a misdemeanor complaint was filed in the Hamilton County Municipal Court for accumulation of garbage; after 15 months, the case went to trial and Ms. Hammock was found guilty by a jury trial and she served 30 days in jail for not cleaning the property. Mr. Garry

confirmed that if Council finds there is litter on the property, and the property is not cleaned within 15 days, Council can authorize someone else to clean the property; the cost of that clean-up will then be added to Ms. Hammock's tax obligation for the property on Crown Avenue.

During Ms. Hammock's testimony, Mr. Breadon offered to personally assist Ms. Hammock with the removal of items from her property; Mr. Breadon offered vehicles and assistance with the physical removal of items. Mr. Breadon shared his contact information with Ms. Hammock.

With no one else stepping forward to speak, Mr. Miracle declared this Public Hearing closed.

On a motion by Mr. Kelsch, seconded by Mrs. Hoover, it was moved to find that there is litter present at 1911 Crown Avenue in violation of Ohio Revised Code section 731.51B. All members present voted, "Yes." The motion passed.

On a motion by Mr. Kelsch, seconded by Mrs. Franzen, it was moved to serve immediate written notice of Council's findings to Ms. Hammock, stating she has 15 days to remove all litter.

Mrs. Hoover asked what happens if Ms. Hammock takes Mr. Breadon's offer and cleans up her property within the 15 days; Mr. Garry replied by stating if the litter is removed from the property prior to the 15 days, Council would have no basis to act any further. Mr. Thompson stating this is not addressing the actual problem, but it is fixing an issue with a yard. Mr. Breadon stated he will abstain from voting for personal reasons. Mr. Breadon abstained from voting, all other members present voted, "Yes." The motion passed.

Notice was then served, by hand delivery to Ms. Hammock, by Norwood Police Officer Tia Bomske.

H) REQUEST TO ADDRESS COUNCIL

Olivia McNair

Re: Stonies

Ms. McNair is the owner of Stonies Pub on Carthage Avenue. She addressed Council regarding the treatment herself, her customers, and her business have received in Norwood, and the status of Stonies' liquor license; there was an issue with the renewal due to an incorrect mailing address. Ms. McNair mentioned the old "stigma" that exists in Norwood; she is asking for Council to do the right thing.

Mr. Breadon clarified that the State of Ohio, not the city of Norwood, controls liquor licenses, although cities are able to object to them. Mr. Moore spoke about the previous hearing that was requested with regard to filing an objection to the liquor license renewal. The hearing never took place because of the request for a liquor license not being filed. All action previously taken by Council on this liquor license was done at open Council meetings.

Ty Velez

Re: Food Trucks

Mr. Velez, owner of AJ's Cheese Steaks located in the BP parking lot on Montgomery Road, addressed Council regarding food trucks and open sales in Norwood; he also discussed his encounter with the city while trying to get a permit for an electric tower at that location. Mr. Velez stated the food truck is his livelihood and he has issues with the city now stating food trucks may not be legal in Norwood. Mr. Velez stated he always promotes Norwood; he was recently approached about being interviewed by a national news network about owning a food truck and small business in Norwood. Mr. Velez stated food trucks are a good thing for Norwood; Mr. Velez has the proper permits for his business and stated the current zoning is outdated; his current location is zoned commercial property.

Mr. Moore recommended placing the matter in the Economic Development Committee. Mrs. Franzen stated she supports changing any code that supports food trucks in the community. Mr. Velez confirmed that he was not told he could no longer operate his business, but he will not be able to operate and expand to a new facility that is set to arrive May 4th, due to the issue with the approval of a new electric tower. Mr. Velez mentioned the idea of a food truck park and offered to serve as a member of any committee looking into that matter.

RH Sweeten

Re: Stonies

Mr. Sweeten stated he was here to support Ms. McNair; she is a great friend and a great person. Mr. Sweeten owns an ice cream truck and understands the importance of working together in a diverse community/neighborhood; that was the focus of his ice cream truck. Mr. Sweeten stated he has witnessed Ms. McNair's harassment; she's trying to please everyone with how she runs her business and she's trying to bring peace to Norwood.

Bishop Sonny James

Re: Community

Mr. James stated Norwood is a great place to be and he wants everyone to be as bold as him. People of color need a voice; he is proud of Council tonight for working through stuff and listening, and he applauds everyone. Mr. James stated he wants to see people of color make up 12% of Norwood's employees, since they represent 12% of Norwood's population.

I) REPORTS OF STANDING COMMITTEES OF COUNCIL

1) Finance, Budget, and Audit: April 12, 2022

On a motion by Mr. Breadon, seconded by Ms. Royse, it was moved to accept the report.

All members present voted, "Yes."

J) THIRD READING OF ORDINANCES/RESOLUTIONS

There were no third readings of ordinances or resolutions.

K) SECOND READING OF ORDINANCES/RESOLUTIONS

- 1) ORDINANCE AMENDING PART 11, CHAPTER 1111, "DEFINITIONS" AND CHAPTER 1141, "CENTRAL BUSINESS DISTRICT" OF THE NORWOOD CODIFIED ORDINANCES TO ALLOW CLINIC, OPEN-AIR CRAFT AND/OR FARMERS MARKET, AND OTHER SUITABLE USES.

On a motion by Mr. Thompson, seconded by Mrs. Hoover, it was moved to have the second reading of the ordinance.

Mr. Breadon asked if this covers all of Norwood or a limited business district; Mrs. Winterbauer replied by stating she talked with Mr. Skelly about this matter, and it covers the former Quality Inn site and not all of Norwood. Mr. Moore stated the process to change zoning code will take around three months because of timing, the process, and public hearings; he recommended not holding up this ordinance because of food truck issues. Mrs. Winterbauer asked if Mr. Velez should go to the Planning Commission; Mayor Schneider replied by stating the administration is not opposed to mobile food trucks in Norwood, however, adding infrastructure goes against an establishment actually being considered mobile.

All members present voted, "Yes." The motion passed.

L) INTRODUCTORY READING OF ORDINANCES/RESOLUTIONS

- 1) ORDINANCE PROMOTING THE "CITY WIDE STREET SALES" MAY 13TH & 14TH, 2022 AND SEPTEMBER 9TH & 10TH, 2022, AND ABATING ALL PERMIT FEES ASSOCIATED WITH THE SALE, AND DECLARING AN EMERGENCY.

On a motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to suspend the rules and have all three readings of the ordinance.

All members present voted, "Yes." The motion passed.

On a motion by Mr. Breadon, seconded by Mrs. Franzen, it was moved to pass the ordinance.

All members present voted, "Yes."

- 2) ORDINANCE ADJUSTING CERTAIN SALARY RANGES AND AMENDING ORDINANCE NO. 67-2021, AND DECLARING AN EMERGENCY.

On a motion by Mr. Thompson, seconded by Mrs. Franzen, it was moved to suspend the rules and have all three readings of the ordinance.

Mrs. Hoover asked how the salary ranges will impact the financial report; Mr. Thompson replied by stating the purpose of this ordinance is to provide more bargaining with the hiring managers and the salary cap. There are employees who have been here a while and have maxed out of the current salary range and are not eligible for a pay increase. Mr. Thompson stated this is also establishing the new role that is currently being hired (Legal Secretary).

All members present voted, "Yes." The motion passed.

On a motion by Mr. Thompson, seconded by Ms. Royse, it was moved to pass the ordinance.

All members present voted, "Yes." The motion passed.

- 3) RESOLUTION AUTHORIZING THE CITY AUDITOR TO APPROVE "THEN AND NOW" CERTIFICATES FROM THE NORWOOD FIRE DEPARTMENT 7300 AND 7200 KEYS, TO COVER THE COST OF 2022 INVOICES FROM BETHESDA CARE (TRIHEALTH) AND ATOMIC DECALS & DESIGN, LLC, NOT TO EXCEED \$3,032.00, AND DECLARING AN EMERGENCY.

Mr. Thompson stated he is going to ask for only one reading, since Mr. Stith is not present to speak on this matter.

On a motion by Mr. Thompson, seconded by Mr. Breadon, it was moved to have the first reading of the resolution.

Mayor Schneider stated this resolution was requested by the Safety-Service Director and he has requested Council having three readings on the resolution; this directly impacts the amount of overtime in the Fire Department. Mayor Schneider requested the motion is amended to have all three readings at this meeting. Mr. Thompson stated purchase orders should have been utilized for these

items; as we try to get more fiscally responsible, these type of things need to be called out. Mrs. Winterbauer confirmed it is against the law to pay for something before a purchase order; she shared Mr. Stith's concern about being audited on this item. Mrs. Hoover asked about the consequences of not having all three readings tonight; Mayor Schneider replied by stating the invoices will wait. Mayor Schneider stated he doesn't disagree about needing a requisition and a purchase order; that process doesn't happen perfectly every time. Mayor Schneider stated the latest version of the submitted financial recovery plan was not approved by the financial supervisor; he is working with Mr. Stith on a new plan to present to Council for approval. Mr. Thompson stated the purchase was made and any worry about overtime no longer exists with this matter; the outstanding questions pertain to utilizing a resolution to pay the bill. Mr. Thompson stated he is keeping his motion to hear the first reading of the resolution.

Mr. Kelsch and Mrs. Winterbauer voted, "No," and all other members present voted, "Yes."

The motion passed.

4) RESOLUTION DECLARING INTENT TO SELL UNNEEDED, OBSOLETE OR UNFIT CITY PERSONAL PROPERTY BY INTERNET AUCTION DURING CALENDAR YEAR 2022, AND DECLARING AN EMERGENCY.

On a motion by Mrs. Franzen, seconded by Mr. Kelsch, it was moved to suspend the rules and have all three readings of the resolution.

Mrs. Hoover asked how long it took to accumulate these firearms; Mr. Moore replied by stating the last firearms sale took place within the past 3-4 years, and these firearms were acquired during that time. These types of sales happen periodically. Mr. Kelsch asked about the link for those interested in bidding on these items; Mrs. Franzen confirmed the website address is www.propertyroom.com. Mr. Moore confirmed the Police Department, with the approval of the Safety-Service Director, determine what items are kept versus sold. Mrs. Hoover asked about the proceeds from the sale; Mayor Schneider replied by stating those funds will go into surplus funds in the general fund.

All members present voted, "Yes." The motion passed.

On a motion by Mr. Breadon, seconded by Mr. Kelsch, it was moved to pass the resolution.

All members present voted, "Yes." The motion passed.

M) ADMINISTRATION REPORTS

Mayor Schneider spoke about street improvements taking place on Slane Avenue, two blocks of Floral Avenue, and Mills Avenue; Montgomery Road plans are currently being reviewed with Hamilton County Planning & Development. Mayor Schneider attended the Easter Egg Drop at Shea Stadium; this was a great event and there were 900-1,000 people present. This event was put on by community worship groups and churches, civic groups, and volunteers; Chuck Smith with Valley Church did a great job coordinating and hosting the event. Mayor Schneider attended Norwood Knothole Opening Day; there were around 450 people in attendance. Water Works fields 1, 2, and 4 have new dugouts and fencing; everyone took the "parks pledge" and agreed to help take care of Norwood parks. The cleanup in conjunction with Cincinnati along State Route 562 (Norwood Lateral) has been delayed; still working on getting new bulbs and heads for the lights along the Lateral. There is a lot of work going on at Factory 52; scaffolding is currently around the clock tower. Mayor Schneider recently attended openings at Dickey's BBQ, Piada, and Fusabowl; these are all investments in the community and they put a large amount of money into the buildings they now occupy. Mayor Schneider attended the Strong Town USA celebration; Norwood finished #2. This competition included 19,495 municipalities within the United States; special shout out to Alisha Loch for her assistance with this. The winning community was Jasper, Indiana. Mayor Schneider stated the administration is not against mobile food trucks; he is not in favor of a dilapidated food truck that is put into a permanent location on Montgomery Road that requires running gas, electric, and water lines to the truck. Mayor Schneider defined the central business district as Montgomery Road, from Ross Avenue to Hopkins Avenue; it runs through the heart of Norwood.

N) UNFINISHED BUSINESS

There was no unfinished business.

O) NEW BUSINESS

Mr. Thompson announced a City Charter Committee meeting at 6:30pm on April 27th in Council Chambers; a group of Xavier students has been researching city charters and will have a presentation on their findings. Mr. Thompson also placed the matter of Senior Center funding in the Finance Committee.

Mrs. Franzen announced an Infrastructure Committee meeting at 6:30pm on April 26th in Council Chambers; agenda items will include sidewalk repair and green infrastructure items.

Mrs. Franzen mentioned a plant swap taking place from 11am-2pm on April 23rd in the large meeting room at the Recreation Center; several trees will also be given away.

P) COMMUNICATIONS

1) Ohio Division of Liquor Control

Re: Notice of Liquor License Renewals

On a motion by Mr. Kelsch, seconded by Mrs. Franzen, it was moved to receive and file all communications, as if read, and to approve the appointment to the Norwood Arts Board.

Mrs. Winterbauer stated Mr. Skelly is working on writing a grant for the Perry & Derrick property for demolition, decontamination, and abatement; she requests members of Council sign the letter if they support the cause.

Mr. Moore stated there is a current objection to Stonies liquor license, pending their renewal; the four disturbing the peace charges against Stonies were dropped because the judge didn't like how our ordinance was written, not because the charges were unfounded. If Stonies wins their appeal and there is no objection to Stonies liquor license, he would rather withdraw the objection instead of going to a hearing.

All members present voted, "Yes." The motion passed.

2) Victor Schneider, Mayor

Re: February Court Fees & March Court Fees

(received and filed with previous motion)

3) Victor Schneider, Mayor

Re: Appointment-Norwood Arts Board

(received and filed with previous motion)

4) Letter of Support, 2511 Highland Ave

Re: Candace Winterbauer

(received and filed with previous motion)

5) Jim Stith, Auditor

Re: February Monthly Financial Reports

(received and filed with previous motion)

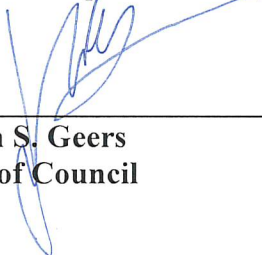
Q) EXCUSE ABSENT MEMBERS

There were no absent members.

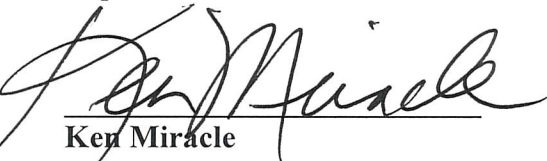
R) ADJOURNMENT

On a motion by Mrs. Hoover, seconded by Ms. Royse, it was moved to adjourn.

All members present voted, "Yes." The motion passed.



Joseph S. Geers
Clerk of Council



Ken Miracle
President of Council